

REMARKS**Telephonic Interviews**

As an initial matter, the Applicant would like to thank Examiner Koppikar and Examiner Thomas for the telephone interview on Tuesday March 14, 2006. Jon Gibbons, attorney for the Applicant, participated in the telephone call. Discussed were some clarifications needed to the claims to correct antecedent basis. Also discussed were the independent claims and the clarifications needed to positively state: 1) the third party lender is pre-qualifying financing for the patient undergoing the medical procedure; 2) the third party lender finances the medical procedure; and 3) a portion of the fee charged by the medical practitioner is paid back to the third party for bringing together the patient and medical practitioner as a finder's fee. Examiner Thomas suggested positively reciting these limitations as separate elements to further clarify the invention over the prior art references. The Applicant has agreed to make these limitations separate elements to clarify over the prior art of record.

In addition, a further telephonic interview was held with the same parties on Thursday April 6, 2006. Discussed were clarifications in independent claims 19, 23, 37, and 38, to clarify the limitation "for said third party provider bringing together" and clarify an antecedent reference to "said third party lender" in independent claim 37. In addition remarks are being addressed to point out that in independent claim 1, the third party provider can be the same entity that is providing financing. The Applicant wishes to thank Examiner Koppikar and Examiner Thomas for these suggestions to clarify the present invention.

The applicant has carefully amended claims 1, 14, 19, 21, 23, 26, 27, 33, 37, 38 to provide strict antecedent basis of all the elements. Next, the Applicant as suggested during the telephonic interview, has amended independent claims 1, 19, 23, 33, 37, and 38. Independent claim 23 recites inter alia:

"pre-qualifying, by a third party provider, financing for at least one medical procedure under consideration by at least one medical procedure for said person,

29892.010000

12

09/725,406

financing said medical procedure by said third party provider,

paying a portion of a fee charged by said medical practitioner for said medical procedure to said third party provider in exchange for said third party provider bringing together said person and said medical provider for said medical procedure which is financed by said third party provider,"

The other independent claims 19, 33, 37, and 38 have been amended to recite limitations that are similar to amended independent claim 19. Support is found in the published application in paragraphs. 0015, 0016, 0020, 0024, 0047, 0048, 0050, 0054, 0059, 0075, 0076, 0077, 0079, 0093 and Figures 1, 3, 4, 5, and 6, no new matter has been added. The applicant respectfully submits that the patent is in a condition for allowance which allowance is respectfully requested.

Unlike independent claims 14, 19, 21, 23, 26, 27, 33, 37, 38, independent claim 1 has been amended to clarify that the third party provider can be the identical entity providing financing as the party bringing together the medical provider and the person undergoing a medical procedure.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

Applicant acknowledges the continuing duty of candor and good faith in the disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the

29892.010000

13

09/725,406

territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicant and his attorneys.

Applicant respectfully submits that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

29892.010000

14

09/725,406

PLEASE CALL the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

Date: April 11, 2006

By: 

Jon A. Gibbons, Reg. No. 37, 333
Attorney for Applicant
FLEIT, KAIN, GIBBONS,
GUTMAN, BONGINI, & BIANCO P.L.
551 N.W. 77th Street, Suite 111
Boca Raton, FL 33487
Tel(561) 989-9811 / Fax (561) 989-9812

29892.010000

15

09/725,406